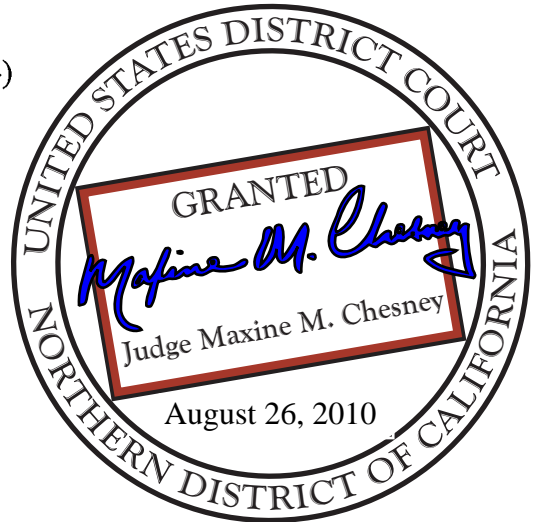


BAKER BOTTS L.L.P.  
Kevin E. Cadwell (SBN 255794)  
Melissa Armstrong, *pro hac vice* (TX SBN 24050234)  
620 Hansen Way  
Palo Alto, CA 94304  
Phone: (650) 739-7500  
Fax: (650) 739-7699  
Email: kevin.cadwell@bakerbotts.com  
Email: melissa.armstrong@bakerbotts.com

Attorneys for Defendants  
OPENTV CORP., LIBERTY MEDIA CORP.,  
AND WINK COMMUNICATIONS INC.

John L. Berman  
749 Sunshine Drive  
Los Altos, CA 94024  
Telephone: (650) 950-7879  
Plaintiff in pro per



UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

JOHN BERMAN,

Plaintiff,

v.

OPENTV CORP., LIBERTY MEDIA  
CORPORATION, WINK  
COMMUNICATIONS, INC., and DOES 1-30,

Defendants.

Case No. C 09-04065 MMC

**NOTICE OF CONTINUANCE OF  
HEARING ON OPENTV CORP.'S,  
LIBERTY MEDIA CORP.'S, AND WINK  
COMMUNICATIONS INC.'S MOTION  
FOR PARTIAL SUMMARY  
JUDGMENT**

**JURY TRIAL DEMANDED**

The Honorable Maxine M. Chesney  
United States District Magistrate Judge  
Courtroom 7, 19th Floor

Pursuant to Local Rule 7-7, Plaintiff John Berman and Defendants OpenTV Corp., Liberty Media Corporation, and Wink Communications, Inc. respectfully submit the following Notice of Continuance of Hearing on Defendants' Motion for Partial Summary Judgment.

On August 20, 2010, Defendants OpenTV Corp., Liberty Media Corp. and Wink Communications Inc. filed a Notice of Motion and Motion for Partial Summary Judgment. Defendants' Motion is set currently for hearing September 24, 2010 at 9:00 a.m.

1 Plaintiff John Berman states that he has a conflict on September 24, 2010 and is unable to  
2 attend the hearing at that time. Good cause exists to modify the hearing date, and Plaintiff states  
3 that this request is not made for the purposes of delay. The parties further have conflicts October  
4 1, 2010.


5 Accordingly, the parties have agreed to continue the hearing on Defendants' Motion until  
6 **October 8, 2010 at 9:00 a.m.** The parties have further agreed that Plaintiff's opposition to the  
7 Motion will be due September 10, 2010, and Defendants' reply will be due September 24, 2010.

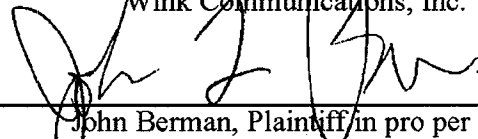
8 A proposed order continuing the hearing is attached.  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1  
2 DATED: August 26, 2010

Respectfully submitted,

BAKER BOTTS L.L.P.

4  
5 By:   
6 Kevin E. Cadwell  
7 Attorneys for Open TV Corp.,  
8 Liberty Media Corporation and  
9 Wink Communications, Inc.

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
  
John Berman, Plaintiff in pro per